

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 JOSEPH MCDOUGALL and AUSTIN
5 WALLACE, individually and on behalf of all
similarly situated individuals,

Case No.: 2:20-cv-01867-RFB-NJK

6 Plaintiffs,

ORDER

7 v.

8 THE BOILING CRAB VEGAS, LLC,

9 Defendant.

10
11 This matter has been referred to the undersigned Magistrate Judge for mediation. ECF No.
12 105. Mediation is set for **Thursday, January 18, 2024**. Plaintiffs' counsel must report to the
13 chambers of the undersigned United States Magistrate Judge, Room 4068, Lloyd D. George United
14 States Courthouse, 333 Las Vegas Boulevard South, Las Vegas, Nevada at **9:00 a.m.** Plaintiffs'
15 counsel must bring to the mediation a computer with the necessary programming or application to
16 allow counsel to connect with Plaintiffs by zoom or other video conference platform for the entirety
17 of the mediation. Defendant must report to the chambers of the undersigned at **9:30 a.m.**

18 Do not come to the courthouse if you are experiencing flu-like symptoms or if you have been
19 in contact with someone who has recently been diagnosed with COVID-19. If you do not feel well
20 or believe you have been exposed to COVID-19, contact Emily Santiago at
21 Emily_Santiago@nvd.uscourts.gov as far in advance of the settlement conference date as possible.
22 The settlement conference may be rescheduled or arrangements may be made to have an individual
23 appear remotely.

24 Unless the Court orders otherwise, all parties must be present in person for the duration of
25 the mediation conference. This means that all Plaintiffs and Defendants must attend unless expressly
26 excused by the Court. **Any request to be excused must be filed, after consultation with opposing**
27 **counsel, no later than seven (7) days before the date of the mediation.**

1 If any party is subject to coverage by an insurance carrier, a representative of the insurance
 2 carrier with authority to settle this matter up to the full amount of the claim **must** attend.

3 PREPARATION FOR MEDIATION

4 In preparation for the mediation, each party must submit a confidential mediation statement
 5 for in camera review. The **confidential mediation statement, with exhibits should not, generally,**
 6 **exceed 50 pages and must be delivered electronically to Emily_Santiago@nvd.uscourts.gov by**
 7 **3:00 p.m. on January 11, 2024.**

8 The confidential statement must be presented on pleading paper (numbered consecutively
 9 beginning with 1 on the left margin of each page with no more than 28 lines per page) and contain
 10 the attorney or pro se party's name and address, court title, and case caption. In addition, the
 11 confidential statement must contain the following:

- 12 1. A brief statement of the nature of the claims and defenses;
- 13 2. A concise summary of the evidence that supports your theory of the case, including
 14 key individuals who will provide testimony if this matter goes to trial, the Rule 26(a)(1)(A)(iii)
 15 computation of damages, and the Rule 26(a)(1)(A)(iv) insurance information. Each party must
 16 provide all information that documents or supports your damages claims. Copies of medical records
 17 or treatment records need not be submitted; however, these may be provided in a table or summary
 18 format;
- 19 3. Any documents or exhibits that are relevant to key factual or legal issues, including
 20 selected pages from deposition transcripts or responses to other discovery requests. **Please do not**
 21 **provide entire deposition transcripts or audio/video recordings;**
- 22 4. An analysis of the key issues involved in the litigation. The analysis must include a
 23 discussion of the strongest points in your case, both legal and factual, and a frank discussion of the
 24 weakest points as well. The Court expects the parties to present a thorough analysis of the key issues
 25 and candid evaluation of the merits of your case;
- 26 5. Identification and explanation of any obstacles to settlement such as medical liens,
 27 statutory caps, or motions pending before the court;

7. The initial settlement proposal that will be presented at the mediation with a justification for any monetary amount. The proposal must include any non-monetary settlement terms that will be presented.

The purpose of the statement is to assist the undersigned Magistrate Judge in preparing for and conducting the mediation. To facilitate a meaningful conference, your utmost candor in responding to all of the above-listed topics is required. The mediation statement is confidential. If this case does not settle, the mediation statement will not be disclosed to the district judge who will preside over the trial. Each statement will be securely maintained in chambers and will be destroyed following the conference.

Dated this 1st day of November, 2023.


ELAYNA J. YOUCHAK
UNITED STATES MAGISTRATE JUDGE